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January 19, 2011

VIA CM/ECF

Hon. David N. Hurd
 United States District Court Judge
 U.S. District Court
 Northern District of New York
 Alexander Pirnie Federal Building and Courthouse
 10 Broad Street
 Utica, New York 13501

**Re: Morin v. Tormey, et al
 07-CV-0517 (DNH)(GJD)**

Dear Judge Hurd:

I am in receipt of e-filed letters from Attorney Quackenbush and Attorney Frumkin. It appears that Mr. Quackenbush is simply asking for a one day extension to allow Judge Hedges to obtain counsel to participate in a conversation with all other counsel on an accepted trial date. I do not oppose Mr. Quackenbush's request.

In the event that the Court wishes to schedule a trial date, please be advised that my client, Justice Tormey, would prefer that the trial occur the first or second week of May. Both Justice Tormey and I have multiple conflicts in June, including the marriage of Justice Tormey's son.

If the Court has any questions, please feel free to give me a call.

Respectfully,

COSTELLO, COONEY & FEARON, PLLC

Robert J. Smith

RJS/lja

Hon. David N. Hurd
January 19, 2011
Page 2

cc (via CM/ECF): William D. Frumkin, Esq.
Charles J. Quackenbush, Esq.
Edward Z. Menkin, Esq.
Gary T. Kelder, Esq.